

PROB 22 [EDTN51] (1/98)		DOCKET NUMBER ( <i>Tran. Court</i> ) 1:04-CR-50-002
TRANSFER OF JURISDICTION <b>JUDGE MANNING</b> <b>MAGISTRATE JUDGE BROWN</b>		
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:  Miguel Lopez	DISTRICT  ED/TN	DIVISION  Chattanooga
	NAME OF SENTENCING JUDGE  The Honorable R. Allan Edgar, U.S. District Judge	
	DATES OF PROBATION/SUPERVISED RELEASE:  July 3, 2007	FROM  July 3, 2007
OFFENSE Conspiracy to Distribute 100 Kilograms or More of Marijuana and Attempt to Distribute 100 Kilograms of Marijuana, Aiding and Abetting		
<b>08CR 353</b>		
<b>PART 1 - ORDER TRANSFERRING JURISDICTION</b>		
UNITED STATES DISTRICT COURT FOR THE <u>EASTERN DISTRICT OF TENNESSEE</u>		
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the NORTHERN DISTRICT OF ILLINOIS upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*		
<p>April 7, 2008 _____</p> <p><i>Date</i> _____ /s/ <i>R. Allan Edgar</i> _____</p> <p><i>United States District Judge</i></p>		
*This sentence may be deleted in the discretion of the transferring Court.		
<b>PART 2 - ORDER ACCEPTING JURISDICTION</b>		
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS		
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.		
<p>APR 29 2008</p> <p><i>James F. Holleman</i></p> <p><i>United States District Judge</i></p>		
<p><i>Effective Date</i></p>		

FILED

MAY 01 2008

MICHAEL W. DORRINS  
CLERK, U.S. DISTRICT COURT

United States District Court  
Eastern of District of Tennessee  
Office of the Clerk

April 14, 2008

F I L E D

U. S. District Court  
Northern District of Illinois

MAY 01 2008

Everett McKinley Dirksen  
United States Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

In re: Miguel Lopez  
1-04-cr-50-02(our numbers)  
Your number (unknown)  
Transfer of Jurisdiction

08CR 353

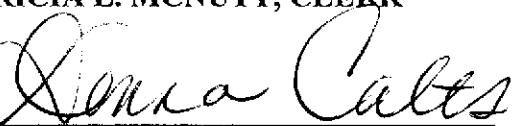
Dear Clerk ,

JUDGE MANNING  
MAGISTRATE JUDGE BROWN

Enclosed please find the Transfer of Jurisdiction for defendant Miguel Lopez. Also enclosed are certified copies of all of the necessary papers you will need. Please acknowledge receipt of the enclosed copy of this letter and return copy to our office.

Sincerely,

PATRICIA L. MCNUTT, CLERK

BY:   
Donna Cates, Criminal Case Manager

RECEIVED: BY: \_\_\_\_\_

DATE: \_\_\_\_\_

Enc

dmc/s

CLOSED

**Live Database****U.S. District Court - Eastern District of Tennessee (Chattanooga)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-00050 All Defendants  
Internal Use Only**

Case title: USA v. Garcia-Lopez  
Magistrate judge case number: 1:04-mj-00072

Date Filed: 03/10/2004  
Date Terminated: 12/10/2004

Assigned to: District Judge R Allan

Edgar

Referred to: Magistrate Judge William  
B Carter

**Defendant (1)**

**Daniel A Garcia-Lopez**  
*TERMINATED: 12/10/2004*

represented by **Charles L Davis**  
Davis & Hoss, PC  
508 East Fifth Street  
Chattanooga, TN 37403  
423-266-0605  
Fax: 423-266-0687  
Email: lee@davis-hoss.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Douglas M Cox**  
735 Broad Street  
Suite 404, James Building  
Chattanooga, TN 37402  
423-265-2367  
Email: douglasmcox37402@yahoo.com

*TERMINATED: 07/13/2004*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**LaFonda Jones**  
Federal Defender Services of Eastern  
Tennessee, Inc.  
707 Georgia Avenue  
Suite 203 Flatiron Building  
Chattanooga, TN 37401

423-756-4349  
TERMINATED: 07/13/2004  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

21:846=MD.F CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(1)

**Disposition**

Deft sentenced to 120 months  
imprisonment & 8 yrs s/r. fine  
\$10,000.00. s/a \$100.00.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

21:846=MD.F CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(2)

**Disposition**

dismissed

21:843B=MD.F USE  
COMMUNICATIONS FACILITY -  
MARIJUANA - DISTRIBUTE  
(3)

dismissed

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

Assigned to: District Judge R Allan  
Edgar

Referred to: Magistrate Judge William  
B Carter

**Defendant (2)**

Miguel Lopez  
TERMINATED: 11/01/2004

represented by **Leslie A Cory**  
Ortwein & Cory, LLC  
1010 Market Street  
Suite 306 Park Plaza  
Chattanooga, TN 37402  
423-756-9242  
Email: [lesliecory@comcast.net](mailto:lesliecory@comcast.net)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

*Designation: CJA Appointment***Pending Counts**

21:846=MD.F CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(1)

**Disposition**

Deft Miguel Lopez sentenced to 60 months imprisonment on each of cts 1 & 2 to run concurrently. 5 yrs /sr. fine is waived. \$200.00 s/a.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

21:846=MD.F CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(1-2)

**Disposition**

21:846=MD.F CONSPIRACY TO  
DISTRIBUTE MARIJUANA  
(2)

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

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**Disposition****Plaintiff**

UNITED STATES OF AMERICA

represented by **Perry H Piper**  
U S Department of Justice  
(Chattanooga USAO)  
Office of U S Attorney  
1110 Market Street  
Suite 301  
Chattanooga, TN 37402  
423-752-5140  
Email: perry.piper@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/26/2004	1	COMPLAINT against Daniel A Garcia-Lopez, Miguel Lopez signed by Mag Judge William B. Carter [ 1:04-m -72 ] (GRE) (Entered: 02/27/2004)

02/26/2004		WARRANT FOR ARREST issued for Daniel A Garcia-Lopez by Mag Judge William B. Carter [ 1:04-m -72 ] (GRE) (Entered: 02/27/2004)
02/26/2004		WARRANT FOR ARREST issued for Miguel Lopez by Mag Judge William B. Carter [ 1:04-m -72 ] (GRE) (Entered: 02/27/2004)
02/26/2004		ARREST of defendant Daniel A Garcia-Lopez on 2/26/04 [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
02/26/2004		ARREST of defendant Miguel Lopez on 2/26/04 [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
02/26/2004	2	CTRM MINUTES: before Mag Judge William B. Carter initial appearance on complaint of Daniel A Garcia-Lopez ; Attorney LaFonda Jones present; , ; arraignment set for 9:30 3/11/04 for Daniel A Garcia-Lopez CR: Elizabeth Coffey CD: Pam Scott Interprtr: Sharon Spence & Elisa Cabal AUSA: Perry Piper ATTY: LaFonda Jones PTSO: M Zwicknagel & D Haimelin Deft. Daniel A Garcia-Lopez waived the detention hrg and remained in custody. [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
02/26/2004	3	CTRM MINUTES: before Mag Judge William B. Carter initial appearance on complaint of Miguel Lopez ; Attorney Leslie A Cory present; , ; arraignment set for 9:30 3/11/04 for Miguel Lopez CR: Elizabeth Coffey CD: Pam Scott AUSA: Perry Piper ATTY: Leslie Cory PTSO: M Zwicknagel & D Haimelin Testimony given; Gov't motion for detention without bond - GRANTED; Deft. Miguel Lopez remained in custody. [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
03/01/2004	4	CJA FORM 23 (Financial Affidavit) as to Daniel A Garcia-Lopez [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
03/01/2004	5	ORDER by Mag Judge William B. Carter appointing Federal Defender Svcs of Eastern Tennessee, Inc. to represent deft. Daniel Garcia-Lopez (cc: all counsel) [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
03/01/2004	6	ORDER OF DETENTION by Mag Judge William B. Carter as to Daniel A Garcia-Lopez (cc: all counsel) [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
03/02/2004	7	CJA FORM 23 (Financial Affidavit) as to Miguel Lopez [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
03/02/2004	8	ORDER by Mag Judge William B. Carter appointing Atty Leslie Cory to represent deft. Miguel Lopez (cc: all counsel) [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
03/02/2004	9	MEMORANDUM AND ORDER: by Mag Judge William B. Carter as to deft. Miguel Lopez (cc: all counsel) [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)
03/02/2004	10	ORDER OF DETENTION by Mag Judge William B. Carter as to Miguel Lopez (cc: all counsel) [ 1:04-m -72 ] (PCS) (Entered: 03/06/2004)

03/10/2004	11	ORDER by Mag Judge William B. Carter sealing case (GRE) (Entered: 03/22/2004)
03/10/2004	12	SEALED INDICTMENT by USA counts filed against Daniel A Garcia-Lopez (1) count(s) 1-2, 3, Miguel Lopez (2) count(s) 1-2 (GRE) (Entered: 03/22/2004)
03/11/2004	13	NOTICE of defendant's request for preservation and discovery materials by Miguel Lopez C/S (GRE) (Entered: 03/22/2004)
03/11/2004	14	CTRM MINUTES: before Mag Judge William B. Carter dft Daniel A Garcia-Lopez arraigned; not guilty plea entered; Attorneys Tony Martinez and Douglas M Cox present; , ; pretrial conference set for 3:00 5/10/04 for Daniel A Garcia-Lopez ; pretrial motions set for 4/20/04 for Daniel A Garcia-Lopez ; jury trial set for 9:00 5/18/04 for Daniel A Garcia-Lopez ; plea negotiation cutoff date set for 4/20/04 for Daniel A Garcia-Lopez , case unsealed as to Daniel A Garcia-Lopez CR: Recorded #731 to #1128; Tape #2004-4-2; CD: Pam Scott Interprtr: Irene Tomassini AUSA: Perry Piper ATTY: Tony Martinez and Doug Cox Deft. Daniel A Garcia-Lopez remained in custody. (SEALED) (Entered: 03/26/2004)
03/11/2004	15	CTRM MINUTES: before Mag Judge William B. Carter dft Miguel Lopez arraigned; not guilty plea entered; Attorney present; , ; pretrial conference set for 3:00 5/10/04 for Miguel Lopez ; pretrial motions set for 4/20/04 for Miguel Lopez ; jury trial set for 9:00 5/18/04 for Miguel Lopez ; plea negotiation cutoff date set for 4/20/04 for Miguel Lopez , case unsealed as to Miguel Lopez CR: Recorded #731 to #1128; Tape #2004-4-2; CD: Pam Scott Interprtr: No interpreter AUSA: Perry Piper ATTY: Leslie Cory Deft. Miguel Lopez remained in custody. (SEALED) (Entered: 03/26/2004)
03/11/2004	16	ORDER ON DISCOVERY AND SCHEDULING by Mag Judge William B. Carter (cc: all counsel) (SEALED) (Entered: 03/26/2004)
03/11/2004	17	ORDER by Mag Judge William B. Carter appointing Douglas M. Cox to assist Federal Defender Svcs of Eastern Tennessee in deft. Daniel A Garcia-Lopez's representation (cc: all counsel) (SEALED) (Entered: 03/26/2004)
03/11/2004	18	MEMORANDUM AND ORDER/ARRAIGNMENT ON INDICTMENT: by Mag Judge William B. Carter (cc: all counsel) (SEALED) (Entered: 03/26/2004)
03/15/2004	27	NOTICE of defendant's request for preservation and discovery materials by Daniel A Garcia-Lopez C/S (GRE) (Entered: 04/30/2004)
03/19/2004	19	MOTION to have subpoenas served at government expense by Miguel Lopez C/S (GRE) (Entered: 03/30/2004)
03/19/2004	21	PETITION for writ of habeas corpus ad testificandum by Miguel Lopez as to Julia Compo Cerna Lopez (GRE) (Entered: 03/30/2004)
03/26/2004	20	ORDER by Mag Judge William B. Carter granting motion to have

		subpoenas served at government expense [19-1] (cc: all counsel) (GRE) (Entered: 03/30/2004)
03/26/2004	22	ORDER by Mag Judge William B. Carter granting petition [21-1] (cc: all counsel) (GRE) (Entered: 03/30/2004)
03/30/2004		WRIT of habeas corpus ad testificandum issued as to Julia Compo Cerna to appear on 5/18/04 at 9:00 (GRE) (Entered: 03/30/2004)
03/31/2004	25	MOTION for authorization of interpreter and investigative services, in excess of \$1,000 by Miguel Lopez C/S (GRE) (Entered: 04/19/2004)
04/05/2004	30	(ORIGINAL) TRANSCRIPT of preliminary examination/detention hrg/excerpt of proceedings/testimony of Marty D. Dunn held on 2/26/04 before USMJ Bill Carter CR: Elizabeth Coffey (DJH) (Entered: 04/30/2004)
04/13/2004	23	ATTORNEY APPEARANCE for defendant Daniel A Garcia-Lopez by Atty Charles Lee Davis (TJG) (Entered: 04/13/2004)
04/13/2004	24	MOTION to continue trial by Daniel A Garcia-Lopez C/S (TJG) (Entered: 04/13/2004)
04/14/2004	26	MOTION for continuance of deadlines by Miguel Lopez C/S (GRE) (Entered: 04/19/2004)
04/22/2004	28	ORDER by Honorable R Allan Edgar granting motion for continuance of deadlines [26-1], granting motion to continue trial [24-1] ; pretrial conference set for 8:30 7/9/04 for Daniel A Garcia-Lopez, for Miguel Lopez ; pretrial motions set for 6/16/04 for Daniel A Garcia-Lopez, for Miguel Lopez ; jury trial set for 9:30 7/12/04 for Daniel A Garcia-Lopez, for Miguel Lopez ; plea negotiation cutoff date set for 6/16/04 for Daniel A Garcia-Lopez, for Miguel Lopez (cc: all counsel) (GRE) (Entered: 04/30/2004)
04/28/2004	29	SUPPLEMENTAL MOTION for authorization of interpreter and investigative services in excess of \$1,000 by Miguel Lopez C/S (GRE) (Entered: 04/30/2004)
05/06/2004	31	MOTION to Compel Government to Provide Brady Material by Miguel Lopez. (Attachments: # 1 Affidavit of Leslie Cory# 2 Exhibit Excerpt of Transcript)(GRE, ) (Entered: 05/06/2004)
05/06/2004	32	CJA 21 as to Miguel Lopez : Authorization to Pay Steve Derthick Voucher # 040506000014. Signed by Judge William B Carter on 4/1/04. (DJH, ) (Entered: 06/17/2004)
05/25/2004	34	MEMORANDUM authorizing \$3,300 for expert servoces as to Miguel Lopez . Signed by Judge R Allan Edgar on 4/12/04 and Judge Alice M. Batchelder on 5/18/04. (GRE, ) (Entered: 06/16/2004)
06/01/2004	35	CJA 21 as to Miguel Lopez : Authorization to Pay Steve Derthick Voucher # 040601000059. Signed by Judge William B Carter on 5/10/04. (DJH, ) (Entered: 06/17/2004)

06/15/2004	③2	Sealed Document Ex parte Motion (DMC, ) (Entered: 06/15/2004)
06/15/2004	③3	Order to Seal Document and granting ex parte motion as to Miguel Lopez. Signed by Judge William B Carter on 6/15/04. (DMC, ) (Entered: 06/15/2004)
06/16/2004	③5	Second MOTION for Release of Brady Materials by Miguel Lopez. (Cory, Leslie) (Entered: 06/16/2004)
06/16/2004	③6	MOTION to Continue <i>plea bargain deadline</i> by Miguel Lopez. (Attachments: # 1 Affidavit)(Cory, Leslie) (Entered: 06/16/2004)
06/17/2004	③7	Proposed Jury Instructions by Miguel Lopez (Cory, Leslie) (Entered: 06/17/2004)
06/18/2004	③8	ORDER granting ③6 Motion to Continue plea bargaining negotiations as to Miguel Lopez (2). It is ORDERED that any plea bargaining shall be concluded by June 30, 2004. Signed by Judge R Allan Edgar on 6/18/04. (KFB, ) (Entered: 06/18/2004)
06/24/2004	③9	ORDER as to Daniel A Garcia-Lopez cancelling trial date and referring case to Magistrate Carter for guilty plea and report and recommendation. Signed by Judge Curtis L Collier on 6/24/2004. (CHP, ) (Entered: 06/25/2004)
06/30/2004	④0	MOTION to Continue <i>Trial Date</i> by Miguel Lopez. (Attachments: # 1 Affidavit)(Cory, Leslie) (Entered: 06/30/2004)
07/13/2004	④1	NOTICE of intent to use prior convictions to enhance punishment (GRE, ) (Entered: 07/14/2004)
07/13/2004	④	ORDER relieving Attys Douglas M Cox and LaFonda Jones as counsel; Atty Charles L Davis be replaced as retained counsel for deft. Daniel A Garcia-Lopez. Signed by Judge William B Carter on 7/13/04. (PCS, ) (Entered: 07/14/2004)
07/13/2004	④	Minute Entry for proceedings held before Judge William B Carter : Change of Plea Hearing continued to 7/19/2004 3:00 PM before Magistrate William B Carter. (Court Reporter Shannan Andrews.) (PCS, ) (Entered: 07/24/2004)
07/19/2004	④2	MOTION for Order Directing the Marshal Service to Assure Defendant Be Given Adequate Opportunity to Review, Translate, and Transcribe Audio- and Videotapes by Miguel Lopez. (Attachments: # 1)(Cory, Leslie) (Entered: 07/19/2004)
07/19/2004	④3	REPORT AND RECOMMENDATIONS as to Daniel A Garcia-Lopez Objections to R&R due by 7/29/2004. Signed by Judge William B Carter on 7/19/04. (KFB, ) (Entered: 07/20/2004)
07/19/2004	④5	Minute Entry for proceedings held before Judge William B Carter :Change of Plea Hearing as to Daniel A Garcia-Lopez held on 7/19/2004, Plea entered by Daniel A Garcia-Lopez (1) Guilty Count 1. Sentencing set for 10/25/2004 1:00 PM before Honorable R Allan Edgar.

		(Court Reporter Linda Hershey.) (PCS, ) (Entered: 07/24/2004)
07/19/2004	•46	Consent to Proceed Before a United States Magistrate Judge 7/19/04 as to deft. Daniel Agapito Garcia-Lopez (PCS, ) (Entered: 07/24/2004)
07/19/2004	•47	SEALED PLEA AGREEMENT as to Daniel A Garcia-Lopez (PCS, ) (Entered: 07/24/2004)
07/20/2004	•44	RESCHEDULING ORDER as to Miguel Lopez, Motions terminated as to Miguel Lopez : <u>40</u> -MOTION to Continue--GRANTED. Jury Trial set for 8/10/2004 09:30 AM in Third Floor Courtroom before Honorable R Allan Edgar. Pretrial Conference set for 8/9/2004 08:30 AM in Third Floor Courtroom before Honorable R Allan Edgar. Signed by Judge R Allan Edgar on 7/20/04. (KFB, ) (Entered: 07/20/2004)
07/27/2004	•48	SEALED MOTION by Miguel Lopez. (DMC, ) (Entered: 07/27/2004)
07/27/2004	•49	SEALED AFFIDAVIT by Miguel Lopez <u>48</u> SEALED MOTION filed by Miguel Lopez (DMC, ) (Entered: 07/27/2004)
07/27/2004	50	*SEALED* SEALED ORDER granting [48 Sealed Motion as to Miguel Lopez (2) (DMC, ) (Entered: 07/27/2004)
07/27/2004	•51	ORDER denying <u>42</u> Motion for an order directing USM to assure that the deft is given adequate opportunity to review, translate & transcribe audio & video tapes as to Miguel Lopez (2). Signed by Judge R Allan Edgar on 7/27/04. (KFB, ) (Entered: 07/27/2004)
07/27/2004	•52	Petition for Writ of Habeas Corpus ad Testificandum by Miguel Lopez (Attachments: # <u>1</u> Affidavit Attorney Leslie Cory)(DJH, ) (Entered: 07/30/2004)
07/27/2004	•53	ORDER as to Miguel Lopez re <u>52</u> Petition for Writ of Habeas Corpus ad Testificandum Signed by Judge William B Carter on 7/27/04. (DJH, ) (Entered: 07/30/2004)
07/27/2004	•54	Writ of Habeas Corpus ad Testificandum Issued as to Daniel Agapito Garcia-Lopez for August 10, 2004 in case as to Miguel Lopez (DJH, ) (Entered: 07/30/2004)
08/09/2004	•55	Minute Entry for Final Pretrial Conference proceedings held before Judge R Allan Edgar: as to Miguel Lopez held on 8/9/2004. Jury Trial to commence on 8/9/04 @ 9:00 w/jury selection & jury trial to continue on 8/10/04 @ 9:00 (2-3d). (Court Reporter Shannan Andrews.) (KFB, ) (Entered: 08/10/2004)
08/09/2004	•56	Minute Entry for proceedings held before Judge R Allan Edgar :Jury Selection as to Miguel Lopez held on 8/9/2004. (Court Reporter Shannan Andrews.) (KFB, ) (Entered: 08/10/2004)
08/10/2004	•57	SEALED MOTION by Miguel Lopez. (DMC, ) (Entered: 08/10/2004)
08/10/2004	•58	*SEALED* ORDER granting [57 Sealed Motion as to Miguel Lopez (2) (DMC, ) (Entered: 08/10/2004)

08/10/2004	③59	FINAL PRETRIAL ORDER as to Miguel Lopez. (KFB, ) (Entered: 08/11/2004)
08/11/2004	③60	Minute Entry: for proceedings held before Judge R Allan Edgar: 2nd day of Jury Trial as to Miguel Lopez held on 8/11/2004. Evidence for govt concluded. Oral motion by govt to withdraw 851 enhancement- GRANTED. (Court Reporter Shannan Andrews.) (KFB, ) (Entered: 08/11/2004)
08/11/2004	③61	EXHIBIT LIST (KFB, ) (Entered: 08/11/2004)
08/11/2004	③62	Minute Entry: for proceedings held before Judge R Allan Edgar :Change of Plea Hearing as to Miguel Lopez held on 8/11/2004, Plea entered by Miguel Lopez (2) Guilty to Counts 1,2. No plea agreement. Sentencing set for 11/1/2004 01:00 PM in Third Floor Courtroom before Honorable R Allan Edgar. (Court Reporter Shannan Andrews.) (KFB, ) (Entered: 08/11/2004)
08/12/2004		(Court only) ***JS-2 First Appearance Code (DMC, ) (Entered: 08/12/2004)
08/17/2004	③63	NOTICE of intent to use prior convictions to enhance punishment by USA (DMC, ) (Entered: 08/17/2004)
09/09/2004	③	CJA 21 as to Miguel Lopez : Authorization to Pay Roy Cooper, Jr. DBA Cooper & Assoicates Voucher # 040909000046. Signed by Judge William B Carter on 9/2/04. (DJH, ) (Entered: 09/10/2004)
09/10/2004		(Court only) ***JS-2 First Appearance Code (DMC, ) (Entered: 09/10/2004)
10/13/2004	③64	First MOTION to Continue <i>Sentencing Date</i> by Daniel A Garcia-Lopez. (Davis, Charles) (Entered: 10/13/2004)
10/15/2004	③65	ORDER as to Daniel A Garcia-Lopez re 64 First MOTION to Continue Sentencing Date filed by Daniel A Garcia-Lopez is GRANTED. Motions terminated as to Daniel A Garcia-Lopez. Sentencing set for 10/25/04 @ 1:00 is CANCELED and RESET TO 11/29/2004 01:00 PM in Third Floor Courtroom before Honorable R Allan Edgar. Signed by Judge R Allan Edgar on 10/15/04. (KFB, ) (Entered: 10/15/2004)
10/22/2004	③66	SENTENCING MEMORANDUM by Miguel Lopez (Attachments: # 1) (Cory, Leslie) (Entered: 10/22/2004)
11/01/2004	③67	Minute Entry for proceedings held before Judge R Allan Edgar :Sentencing held on 11/1/2004 for Miguel Lopez (2), Count(s) 1, Deft Miguel Lopez sentenced to 60 months imprisonment on each of cts 1 & 2 to run concurrently. 5 yrs s/r. fine is waived. \$200.00 s/a. (Court Reporter Shannan Andrews.) (KFB, ) (Entered: 11/03/2004)
11/01/2004	③68	JUDGMENT regarding Miguel Lopez Signed by Judge R Allan Edgar on 11/8/04. (DMC, ) (Entered: 11/10/2004)
11/04/2004	③	CJA 21 voucher rec'd from Interpreter/Translator Heather Hayes as to

		Miguel Lopez: (DJH, ) (Entered: 11/23/2004)
11/23/2004	⑥	CJA 21 voucher sent to Magistrate Judge Carter for review as to Miguel Lopez: (DJH, ) (Entered: 11/23/2004)
11/24/2004	⑦	CJA 21 VOUCHER rec'd from Magistrate Judge Carter w/approval for interpreter/translator as to Miguel Lopez: (DJH, ) (Entered: 12/02/2004)
11/29/2004	⑧69	Minute Entry for proceedings held before Judge R Allan Edgar :Sentencing held on 11/29/2004 for Daniel A Garcia-Lopez (1), Count(s) 1, Deft sentenced to 120 months imprisonment & 8 yrs s.r. fine \$10,000.00. s/a \$100.00. Count(s) 2, 3, dismissed. (Court Reporter Shannan Andrews.) (KFB, ) (Entered: 11/30/2004)
11/29/2004	⑨70	ORDER as to Daniel A Garcia-Lopez, dismissing counts 2 & 3 of the Indictment. Signed by Judge R Allan Edgar on 11/29/04. (KFB, ) (Entered: 12/03/2004)
12/08/2004	⑩	CJA 21 as to Miguel Lopez: Authorization to Pay Interpreter Heather Hayes Voucher # 041208000005. Signed by Judge William B Carter on 11/24/2004. (DJH, ) (Entered: 12/08/2004)
12/09/2004	⑪	CJA 20 submitted by Leslie Cory sent to Judge Carter for review as to Miguel Lopez: (GRE, ) (Entered: 12/09/2004)
12/10/2004	⑫	CJA 20 as to Miguel Lopez submitted by Leslie Cory returned from Judge Carter and forwarded to Judge Collier (GRE, ) (Entered: 12/10/2004)
12/10/2004	⑬71	JUDGMENT as to Daniel A Garcia-Lopez (1), Signed by Judge R Allan Edgar on 12/10/2004. (DJH, ) (Entered: 12/14/2004)
12/13/2004	⑭	CJA 20 submitted by Leslie Cory, as to Miguel Lopez, returned from Judge Collier and sent to Judge Edgar (GRE, ) (Entered: 12/13/2004)
12/14/2004	⑮	CJA 20 submitted by Leslie Cory, as to Miguel Lopez, has been forwarded to the Sixth Circuit for approval. (GRE, ) (Entered: 12/14/2004)
01/27/2005	⑯72	RETURN OF SERVICE on 1/5/05. as to Miguel Lopez (DMC, ) (Entered: 01/28/2005)
02/23/2005	⑰73	Judgment Returned Executed on 2/23/05 by delivering Daniel A Garcia-Lopez, Miguel Lopez to FCI Texarkana, TX (TFC, ) (Entered: 03/03/2005)
03/04/2005	⑱	CJA 20 as to Miguel Lopez: Authorization to Pay Leslie A. Cory. Voucher # 050304000034. Signed by Judge R Allan Edgar on 12/13/2004 and Signed by 6th Circuit Judge Alice Batchelder on 2/14/2005. (DJH, ) (Entered: 03/04/2005)
01/07/2008	⑲74	REQUEST for Modifying the Conditions or Term of Supervision with Consent of the Offender by UNITED STATES OF AMERICA as to Miguel Lopez. (Attachments: # 1 Waiver of Hearing)(DJH, ) (Entered: 01/08/2008)

01/07/2008	•75	ORDER granting <u>74</u> Request for Modifying the Conditions or Term of Supervision with the Consent of the Offender as to Miguel Lopez (2). Signed by District Judge R Allan Edgar on 1/7/2008. (See #74 Order Attached) (DJH, ) (Entered: 01/08/2008)
04/07/2008	•76	MOTION to Modify Conditions of Release by UNITED STATES OF AMERICA as to Miguel Lopez. (Attachments: # <u>1</u> waiver)(DMC, ) (Entered: 04/08/2008)
04/08/2008	•	ORDER granting <u>76</u> Motion to Modify Conditions of Release as to Miguel Lopez (2)see court file 75 for order. Signed by District Judge R Allan Edgar on 4/8/08. (DMC, ) (Entered: 04/08/2008)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

FILED

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 DANIEL AGAPITO GARCIA-LOPEZ and )  
 MIGUEL LOPEZ )

2004 MAR 10 PM 4:41

1:04-cr-50  
Judge Edgar  
U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY DEP. CLERK

INDICTMENT

COUNT ONE

The Grand Jury charges that in or about January, 2001, and continuing until in or about February, 2004, in the Eastern District of Tennessee and elsewhere, the defendants, DANIEL AGAPITO GARCIA-LOPEZ and MIGUEL LOPEZ, and others known and unknown to the grand jury, did combine, conspire, confederate and agree with each other to knowingly, intentionally and without authority violate Title 21, United States Code, Section 841(a)(1) and (b)(1)(B); that is, distribute one hundred kilograms or more of a mixture and substance containing marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 846.

COUNT TWO

The Grand Jury further charges that on or about February 25, 2004, in the Eastern District of Tennessee, the defendants, DANIEL AGAPITO GARCIA-LOPEZ and MIGUEL LOPEZ, aided and abetted by each other, did knowingly, intentionally and without authority attempt to distribute one hundred kilograms or more of a mixture and substance containing marijuana, a Schedule I controlled substance, in violation of United States Code, Sections 846, 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2.

ATTEST: A true copy  
Certified this 10th day of March, 2004  
PATRICK J. MURPHY, CLERK  
DEP. CLERK

COUNT THREE

The Grand Jury further charges that on or about February 25, 2004, in the Eastern District of Tennessee, the defendant, DANIEL AGAPITO GARCIA-LOPEZ, did knowingly and intentionally use a communication facility, that is, a telephone, to facilitate a violation of 21 U.S.C. § 841(a)(1), the distribution of marijuana, a Schedule I controlled substance, in violation of Title 21 United States Code, Section 843(b).

A TRUE BILL:

HARRY S. MATTICE, Jr.  
United States Attorney

By:   
Perry H. Piper  
Assistant U. S. Attorney

PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF ILLINOIS**

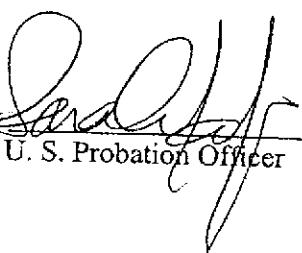
**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

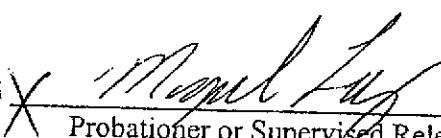
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall reside at the Salvation Army Community Corrections Center for up to 120 days, at the direction of the probation officer.

Witness

  
U. S. Probation Officer

Signed

  
Probationer or Supervised Releasee

X 03-12-08  
Date

U.S. PROBATION OFFICE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

**Name of Offender:** Miguel Lopez

**Docket Number:** 1:04-CR-50-002

**Name of Sentencing Judicial Officer:** The Honorable R. Allan Edgar  
United States District Judge

**Date of Original Sentence:** November 1, 2004

**Original Offense:** Conspiracy to Distribute 100 Kilograms or More of Marijuana and Attempt to Distribute 100 Kilograms of Marijuana, Aiding and Abetting.

**Class:** B Felony

**Criminal History Category:** III

**Original Sentence:** Sixty (60) months imprisonment with five (5) years of supervised release to follow. On January 7, 2008, conditions of release were modified to include the offender's participation in a mental health treatment program

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** July 3, 2007

**Date Supervision Expires:** July 2, 2012

**Assistant U.S. Attorney:** Perry H. Piper

**Defense Attorney:** Leslie A. Cory

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows: **The defendant shall reside at the Salvation Army Community Corrections Center for up to 120 days, at the direction of the probation officer.**

**CAUSE**

ATTEST: I am a Probation Officer  
Certified this 14th day of April, 2008  
Patricia L. Clegg, Probation Officer  
by [Signature]

**REQUEST FOR MODIFYING THE CONDITIONS OR TERM  
OF SUPERVISION WITH CONSENT OF OFFENDER**

**Violation No 1. (Mandatory Condition):** The offender failed to refrain from any unlawful use of a controlled substance.

The offender submitted to urine screens for drug testing on February 22 and 25, 2008 and March 12 and 19, 2008, which all resulted in positive results for cocaine. All of the results have been confirmed by Kroll Laboratories. These are the offender's positive drug screens (4 through 7) respectively, for cocaine within the past six months.

**Violation N.2 (Standard Condition No. 5):** The offender failed to work regularly at a lawful occupation or attend schooling or training or has other acceptable reasons.

**Violation No. 3 (Standard Condition No. 6):** The offender failed to notify the probation officer at least ten days prior to any change in residence or employment.

On January 30, 2008, Mr. Lopez was terminated from his position as a delivery driver with Wiscon Corporation due to attendance issues. During a meeting with his probation officer on February 6, 2007, Mr. Lopez led his probation officer to believe that he was still employed with the above company. In fact, it was not until March 3, 2008, when the probation officer telephoned the offender, that he informed the officer that he had been terminated from his position.

**Recommendation:**

Since the offender's commencement of supervision on July 3, 2007, Mr. Lopez has tested positive for cocaine on more than five occasions. On July 17, 2007, the offender signed the Notice of Mandatory Revocation of Supervision after four positive drug tests in one year, thereby acknowledging the consequences of continued cocaine use. The offender has repeatedly been restarted in Phase I of the drug treatment program, and his officer has increased his counseling as necessary. On receiving his fourth positive for cocaine, Mr. Lopez met with his probation officer and the Supervising U.S. Probation Officer for a violation conference. The offender was instructed immediately to cease his cocaine use and continue to participate in substance abuse and mental health counseling as directed by the probation officer. Mr. Lopez contributes his cocaine use to some mental health issues related to his brother's death. He has reported suffering from panic attacks and difficulties sleeping. Mr. Lopez was compliant with his officer in signing the Probation Form 49, thereby waiving his right to a hearing and agreeing to a modification of his conditions of supervised release. The modification specifically allows for Mr. Lopez to be placed in the Salvation Army Community Corrections Center up to 120 days at the direction of the probation officer. He further expressed his desire to do whatever necessary to get the treatment that he needs to deal with his issues. The offender was reprimanded for his behavior and warned that any further violations would likely result in increased sanctions, If not revocation, of his term of supervised release.

Respectfully submitted,

*/s/ David T. Croft*

**REQUEST FOR MODIFYING THE CONDITIONS OR TERM  
OF SUPERVISION WITH CONSENT OF OFFENDER**

David T. Croft  
Supervising U. S. Probation Officer

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**ORDER OF COURT:**

The conditions of supervision are hereby modified as follows: **The defendant shall reside at the Salvation Army Community Corrections Center for up to 120 days, at the direction of the probation officer.**

So ordered.

ENTER this the 7<sup>th</sup> day of April, 2008.

/s/ R. Allan Edgar  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE